



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: March 30, 2011
Applicant: First Unitarian Church of San Diego
Case No.: PCC-10-078
Address: 970 Broadway Suite 104
Project Planner: Michael W. Walker

Notice is hereby given that on March 30, 2011 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-078, filed by First Unitarian Church of San Diego ("Applicant"). The Applicant requests to establish a church in an existing commercial building ("Project"). The Project site is located at 970 Broadway ("Project Site") owned by West Broadway Investors, LLC ("Property Owner"). The Project Site is zoned Central Commercial, Precise Plan (CCP) by the Chula Vista Municipal Code and designated Mixed-Use Residential (MUR) by the General Plan. The Project is more specifically described as follows:

First Unitarian Church of San Diego requests a conditional use permit to locate a satellite congregation at 970 Broadway in a 1,811 square-foot tenant space in a 23,090 square foot multi-tenant commercial building. The church desires this location to serve the south bay because of the racially and culturally diverse population. The First Unitarian Church's goal is to create a self-sustaining congregation in a fast growing multi-cultural area of San Diego County; not presently served by the church. Establishing their church at the proposed location helps to achieve this goal. The church is also active in conducting networking and is present at community events in the south bay regularly. The church will occupy the premises for up to six hours every Sunday conducting worship services beginning at 9:00 a.m. The remainder of the week, a staff person will conduct church business on a part-time basis.

The church has a seating capacity of 84 seats, which requires 24 parking spaces per Section 19.62.050(9); there are 101 spaces provided on-site. The church will share the parking with other commercial tenants. The church worship hours are such that there will not be a conflict with existing and future uses conducting business on the property.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030.A of the CVMC and the provisions in the UCSP, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

Findings of Fact are as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The First Unitarian Church of San Diego will provide a convenient place of choice for worship for citizens residing in Chula Vista particularly living in the south bay area community. The church will occupy floor space in an existing multi-tenant commercial building where other uses operate, but worship services will be offered on Sundays only. The location for the use is convenient and accessible, and contains the amenities necessary to support the use.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The church's 1,811 square-foot floor space has a seating capacity of approximately 84 people. The commercial building has sufficient on-site parking available for the use. Sunday worship services will have minimal or no conflict with other businesses that may be operating on Sundays, and the use is granted for a period of five years. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

Per CVMC Section 19.62.050(9), churches require one space per 3.5 seats in the auditorium. The First Unitarian Church requires 24 parking spaces for 84 seats. The site of the church's location has 101 on-site parking spaces available for all tenants. This conditional use permit is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The church is a temporary use that provides a place of worship to community. The Zoning Ordinance identifies a church as an "Unclassified Use", which is allowed in any zone with a conditional use permit. The temporary conditional use permit for the church, will not affect the goals and objectives of the General Plan and UCSP.

Approval of PCC-10-078 is conditioned upon the following conditions in Sections I, II and III:

I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:

1. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Representative

Date

Signature of Authorized Property Owner

Date

Building Division Condition:

2. The Applicant shall comply with the following 2007 codes: California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), the 2008 California Energy Code, the California Green Building Standards Code, and all other locally adopted City and state requirements.

II. The following conditions shall be satisfied prior to occupancy:

Engineering Conditions:

3. The Applicant shall ensure that a minimum of one ADA parking space is sized to accommodate a van

Fire Conditions:

1. The Applicant shall ensure that the fire lane has a minimum 20-foot clearance at all times
2. The Applicant shall provide a Knox Vault at the main entrance to the building

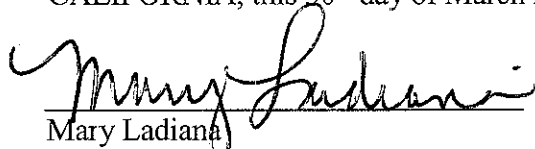
3. The building shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
4. The Applicant shall provide one (1) 2:A-10:B:C fire extinguisher for every 75 feet of travel in any direction.

III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

5. The Applicant shall maintain the Project in accordance with the approved plans for PCC-10-078 date stamped on November 15, 2010, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19, and the UCSP.
6. Church services shall be held on Sundays from 9:00 a.m. to 1:00 p.m.
7. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
8. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-078, which shall expire in five years on March 20, 2016 unless a request for extension is made to the Zoning Administrator.
9. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
10. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.

- 11 Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
- 12 If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this conditional use permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 30th day of March 2011.



Mary Ladiana
Zoning Administrator